

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

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|-------------------------------|---|---------------------------------------|
| (1) FANSTEEL METALS, INC., |) | |
| F/K/A FMRI, INC. |) | |
| |) | |
| Plaintiff, |) | |
| vs. |) | Civil Action No.6:22-cv-00366-JFH-GLJ |
| |) | |
| (1) CITIGROUP, INC.; and |) | |
| (2) UNION CARBIDE CORPORATION |) | |
| |) | |
| Defendants. |) | |

**DEFENDANT CITIGROUP, INC.’S FOURTH UNOPPOSED MOTION FOR
EXTENSION OF TIME TO ANSWER OR OTHERWISE
RESPOND TO COMPLAINT [Dkt. 2]**

COMES NOW Defendant Citigroup, Inc. (“Citigroup”), by and through its counsel of record, and, while reserving all defenses as stated in the Fifth Joint Status Report [Dkt. 48], respectfully requests an extension to July 1, 2024, of its time to answer or file other responsive pleading to Plaintiff’s Complaint in this case.

1. The reasons for this request are stated in more detail in the Fifth Joint Status Report of the Parties filed on March 20, 2024, incorporated herein by reference. [Dkt. 48.]

2. The current deadline for Citigroup to Answer or otherwise respond to Plaintiff’s Complaint is April 1, 2024. [Dkt. 47.]

3. Since the filing of the Fourth Joint Status Report, on November 20, 2023 [Dkt. 42], there has been progress regarding the Fansteel Site, which is at issue in this CERCLA action. As the Fifth Joint Status Report more fully describes, EPA and DOJ Enforcement continue to determine which Defendants will be classified as *de minimis* and non-*de minimis* for purposes of *de minimis* settlement offers issued by EPA to *de minimis* Defendants, and Plaintiff has provided to the Defendants in this case a settlement agreement form dealing with past response costs.

4. However, the Parties believe that it will be beneficial to continue informal document sharing while awaiting final information from the U.S. EPA's third-party contractor. Due to timing of the issues noted in the Fifth Joint Status Report; evaluation of the newly presented, revised settlement agreement form; because the Parties continue to await the final report of U.S. EPA's third-party contractor, Toeroek Associates, Inc. ("Toeroek"), are not yet in receipt of Toeroek's final calculations or its determination of the percentage of total alleged RWM volume at the Fansteel Site attributable to specific Defendants; and because this information is necessary before proceeding with pleadings and discovery, this Defendant and the Parties believe that the requested extension of time to answer or file a responsive pleading will save judicial resources, streamline this case, and may facilitate settlement discussions between the Parties. *See* Dkt. 48, p. 5-6. Thus, Citigroup submits that there is good cause for the requested extension of time stated in the Fifth Joint Status Report (March 20, 2024) for its new deadline to answer or to otherwise respond to Plaintiff's Complaint.

5. After the filing of the first Joint Status Report on April 3, 2023 [Dkt. 29], the court entered a minute order [Dkt. 30] setting Citigroup's date to answer or otherwise respond on June 1, 2023. Subsequently, Citigroup filed its first unopposed motion for an extension of time on May 31, 2023 [Dkt. 32], for reasons set out in that motion and more fully in the Second Joint Status Report filed May 22, 2023 [Dkt. 31], which the Court granted in its Minute Order of June 1, 2023, making Citigroup's deadline to answer or otherwise respond September 1, 2023. [Dkt. 33.]

6. Citigroup filed a second unopposed motion for extension of time to answer or otherwise respond on or about August 22, 2023 [Dkt. 40], for the reasons stated therein and in the Third Joint Status Report filed on August 21, 2023 [Dkt. 37], which was granted on August 23, 2023, making Citigroup's deadline to answer or otherwise respond December 1, 2023. [Dkt. 41.]

7. Subsequently, Citigroup filed a third unopposed motion for extension of time to answer or otherwise respond on or about November 22, 2023 [Dkt. 44], which was granted on November 28, 2023, making Citigroup's deadline to answer or otherwise respond April 1, 2024. [Dkt. 45.]

8. There is currently no scheduling order in this case, and no trial has been set, and the requested extension will not have any effect on any other deadlines.

9. Counsel for Plaintiff and counsel for Defendant Union Carbide Corporation have indicated that each consent to and have no objection to Citigroup's requested extension of time to answer or otherwise respond to the Complaint.

10. A proposed Order will be submitted pursuant to the Local Rules.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully requests that the Court grant Citigroup an extension until July 1, 2024, to file its Answer or other responsive pleading.

Respectfully submitted,

/s/Michael S. Linscott

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CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2024, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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